



COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
planning@rogersar.gov
(479) 621-1186

NOVEMBER 13, 2019

TO: PLANNING COMMISSION

RE: **STAFF SUMMARY REPORT**
REZONE – SINGH

STAFF: ETHAN HUNTER, CITY PLANNER

REQUEST INFORMATION:

| | |
|---------------------------|---|
| ADDRESS/LOCATION: | 2011 S. Rainbow Road |
| TOTAL AREA TO BE REZONED: | 48.12 ± acres |
| CURRENT ZONING: | RSF-5 (Residential Single Family, 5 units per acre) |
| PROPOSED ZONING: | C-3 (Neighborhood Commercial) |
| PLANNED USE: | Unknown |

APPLICANT INFORMATION:

| | |
|---------------------------|--------------------------------|
| APPLICANT/REPRESENTATIVE: | Vajinder Singh / Nate Bachelor |
| PROJECT OWNER/DEVELOPER: | Vajinder Singh |
| PROPERTY OWNER: | Vajinder Singh |
| REQUEST: | Rezone approval |

CITY INFORMATION:

| | |
|-------------------------------|--|
| CGM GROWTH DESIGNATION: | Neighborhood Center (and Neighborhood) |
| GROWTH DESIGNATION CHARACTER: | Mixed-use centers located around intersections of arterial and collector streets. Polycentric pattern serves neighborhood populations within 1/2 mile radius of each center and supports efficient multi-modal transportation network. Goals include creating neighborhood character, conserving opportunity for non-residential activities, and providing accessibility to civic facilities, religious assembly, basic commercial services, and recreation. |
| ZONING DISTRICT INTENT: | This district is intended for areas designated as Neighborhood Centers on the city's Comprehensive Growth Map. The ideal application of this district is the development of a compact, mixed-use, neighborhood-oriented environment that transitions into lower density residential near Neighborhood Center boundaries. This district allows uses that provide essential goods and services to surrounding neighborhoods in a way that promotes placemaking and pedestrian accessibility. It is also intended to encourage medium-density residential development such as townhomes, bungalow courts, and other multi-unit or attached single-family housing types. Because the permitted non-residential uses are intended to be integral to the functions of a neighborhood, emphasis is placed on design and neighborhood compatibility. |
| AUTHORITY: | Sec. 14-727, Rogers Code of Ordinances |

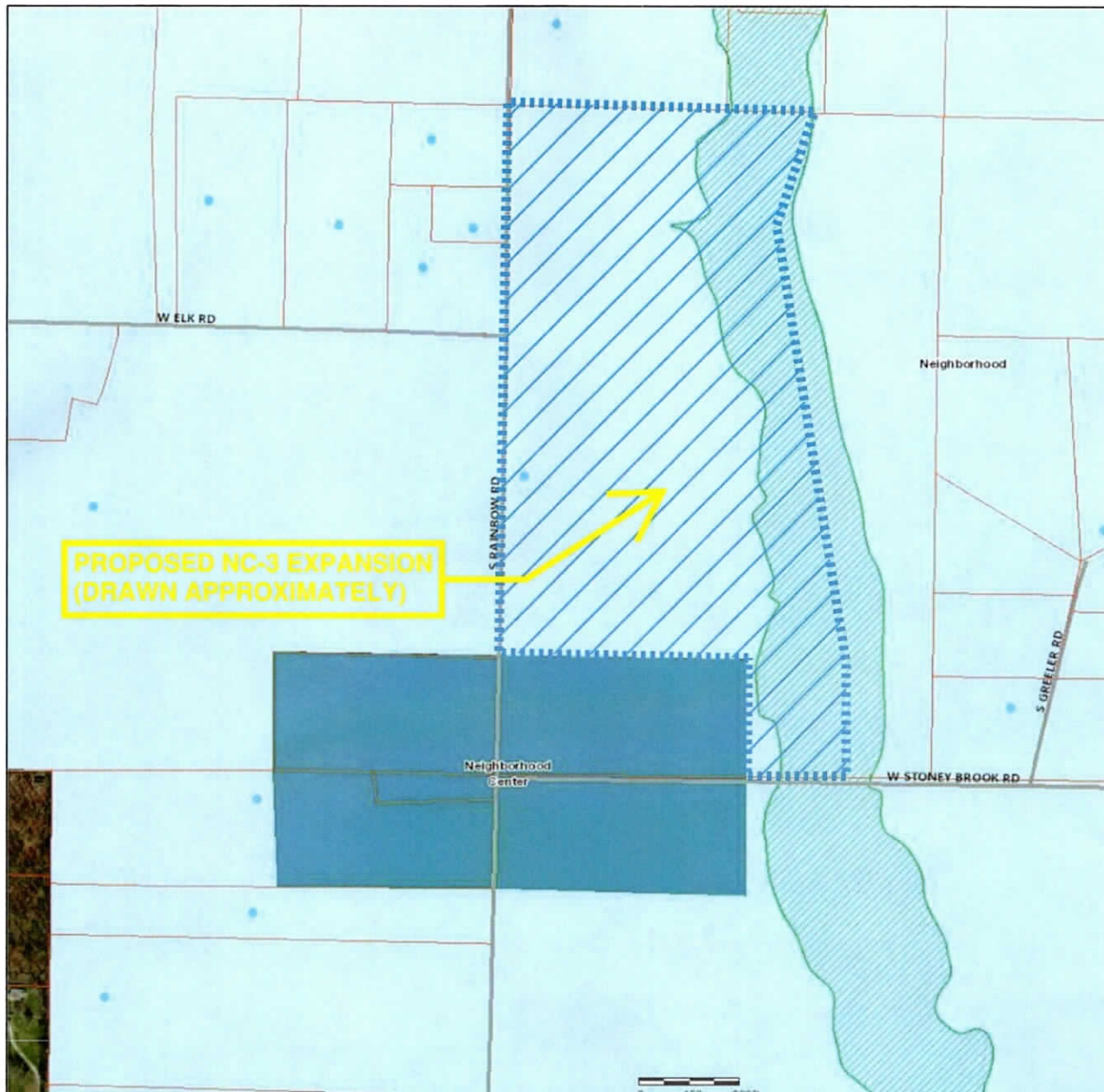
VICINITY MAP (1):

PROPOSED REZONE AREA



VICINITY MAP (2):

PROPOSED NC-3 MODIFICATION



PLANNING REVIEW:

1. LAND USE COMPATIBILITY:

- a) CGM Compliance: Part of the proposed rezone area lies within the Neighborhood Growth Designation, which the applicant seeks to modify by extending the NC-3 boundaries to encompass the proposed rezone area. If NC-3 is modified to account for the entirety of the proposed rezone area, then the subject request would align with the purpose, character, and goals of the Neighborhood Center Growth Designation, which allows for the C-3 zoning district.
- b) General Findings: Staff finds this to be an appropriate rezone request based on consistency with the Comprehensive Growth Map, pending modification of NC-3 boundaries. Staff supports the request to modify NC-3 boundaries for the following reasons:
 - i. The current boundaries were created with the understanding that refinement would be needed as the Neighborhood Center develops. The boundaries were drawn on large tracts of undeveloped greenfield without following exact parcel lines.
 - ii. The extension of NC-3 boundaries does not limit the realization of Neighborhood Center growth goals. It would remain of comparable size to other Neighborhood Centers and would be able to serve surrounding Neighborhood areas with essential non-residential activities without compromising the stated purpose and character of Neighborhood Centers.
 - iii. Neighborhood Centers provide for a higher and more efficient use of land than Neighborhood.

2. REPORTS FROM OTHERS: The Planning Division has not received supporting or opposing comments to date.

3. RECOMMENDATIONS: The Planning Commission should always consider requests with regard to land use compatibility and the health, safety, and general welfare of the public in making their decision.

- a) **Approve modification to the NC-3 boundaries as presented.**
- b) **Recommend rezone for City Council approval.**

ENGINEERING REVIEW: N/A

STAFF SIGNATURES:



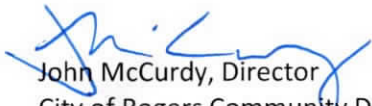
Ethan Hunter, City Planner
City of Rogers Planning Division

SUGGESTED MOTIONS:

1. FOR APPROVE:
 - a) "Move to modify the NC-3 boundaries as presented."
 - b) "Move to recommend for City Council approval the request by Vajinder Singh to rezone 48.12 acres at 2011 S. Rainbow Road to the C-3 zoning district as presented."
2. FOR APPROVE WITH CONDITIONS:
 - a) "Move to modify the NC-3 boundaries as presented."
 - b) "Move to recommend for City Council approval the request by Vajinder Singh to rezone 48.12 acres at 2011 S. Rainbow Road to the C-3 zoning district, subject to [conditions or contingencies]."
3. FOR DENY: "Move to deny the request as presented."
4. FOR TABLE: "Move to table the request [indefinite or date certain]."

DIRECTOR'S COMMENTS:

1. Agree with recommendations.



John McCurdy, Director

City of Rogers Community Development

TABS:

1. Rezone application
2. Maps and/or photos



DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
CITY OF ROGERS, ARKANSAS
301 W. CHESTNUT
PHONE: (479) 621-1186
FAX: (479) 986-6896

OFFICE USE ONLY

Permit Fee: \$200 (\$200)
Zoning: RSF-5 to C-3
Permit Number: 1744
CityView Application: PL201900727
Date: 10/31/19

REZONE APPLICATION

APPLICANT: Vajinder Singh (Presented by CEI Engineering - Nate Bachelor)

ADDRESS: 3502 SW Champagne Ave Bentonville, AR 72712 SUITE #:

GENERAL LOCATION OF PROPERTY: 2011 S Rainbow Rd Rogers, AR

PHONE #: 479-295-0000 EMAIL:

PROPERTY OWNER: Vajinder Singh PHONE #: 479-295-0000

PRESENT USE: Residential ZONING: RSF-5

PROPOSED USE: Neighborhood Commercial ZONING: C-3

Applicant Signature: [Signature] Date: 10-29-19

Attachment Checklist:

- ☒ Legal description of property
- ☐ Applicant Certification
- ☒ Property Owner Affidavit
- ☐ Site plan as needed

PLANNING STAFF PROVIDES:

DATE FILED: 10/31/19 PUBLIC HEARING DATE: 11/19/19 CERTIFIED MAIL DATE: 11/04/19

PLANNING COMMISSION ACTION: DATE:

CITY COUNCIL ACTION: DATE:

ORDINANCE NUMBER: COMMENTS:



DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
PHONE: (479) 621-1186
FAX: (479) 986-6896

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Rogers Planning Commission in the Rogers City Hall at 301 West Chestnut Street on **November 5, 2019 at 5:00 p.m.** on the application by **Vajinder Singh** to consider a rezone from **RSF-5 (Residential Single Family, 5 units per acre)** zoning to the **C-3 (Neighborhood Residential)** zoning district at **2011 S. Rainbow Road**, the property being more particularly described as follows:

LEGAL DESCRIPTION:

The s $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, all in Section 17, Township 19 North, Range 30 West of the Fifth Principal Meridian, Benton County, Arkansas, as shown in Plat Record 2003 at Page 150, and also being described as follows: Commencing at a found iron pin at the intersection of Elk Road and South Rainbow Road for the W $\frac{1}{4}$ Corner of Section 17, Township 19 North, Range 30 West, said iron pin also being the true point of beginning; Thence along the roadway of South Rainbow Road, North 02°19'00" East 664.13 feet to an iron pin set for the NW corner of the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$; thence leaving the roadway of South Rainbow Road, South 87°46'39" East 915.16 feet to a point; thence South 14°25'06" West 272.72 feet to a point; Thence South 11°55'07" 412.09 feet to a point; Thence South 12°10'11" East 768.65 feet to a point; thence South 01°10'16" West 451.31 feet to a point; thence South 20°03'48" West 128.12 feet to a point on the South line of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 17; Thence North 87°49'08" West 11.21.57 feet to a found iron pin in the intersection of Stoney Brook Road and South Rainbow Road; Thence along the roadway of South Rainbow Road, North 02°19'00" East 1320.59 feet to the true point of beginning. Containing 2,096,246 sf or 48.12 acres, more or less. Subject to the rights-of-way of Stoney Brook Road along the South side and South Rainbow Road along the West side thereof, a buried waterline and telephone line along the West side and an overhead electric power line along that part of the North and East sides and to all other easements and rights-of-way by prescriptive actions of other parties. Subject to easements, rights-of-way, restrictions, reservations and covenants of record, if any.

LAYMAN'S DESCRIPTION:

2011 S Rainbow Road

Mandel Samuels, Secretary
Planning Commission

PUBLISH ONE TIME ONLY: **November 4, 2019**
BILL THE CITY OF ROGERS

Exhibit A Legal Descriptions

Overall Property Description

The S 1/2 of the SW 1/4 of the NW 1/4, and the NW ¼ of the SW 1/4, all in Section 17, Township 19 North, Range 30 West of the Fifth Principal Meridian, Benton County, Arkansas, as shown in Plat Record 2003 at page 150, and also being described as follows: Commencing at a found iron pin at the intersection of Elk Road and South Rainbow Road for the W 1/4 Corner of Section 17, Township 19 North, Range 30 West, said iron pin also being the true point of beginning; thence along the roadway of South Rainbow Road, North 02°19'00" East 664.13 feet to an iron pin set for the NW corner of the S 1/2 of the SW 1/4 of the NW 1/4; thence leaving the roadway of South Rainbow Road, South 87°46'39" East 1322.35 feet to an iron pin set for the NE corner of the S 1/2 of the SW 1/4 of the NW 1/4 of said Section 17; thence South 02°18'23" West 663.68 feet to a set iron pin for the NE corner of the NW 1/4 of the SW 1/4 of said Section 17, also being the NW corner of Rolling Acres Subdivision; thence along the West boundary line of Rolling Acres Subdivision, South 02°14'50" West 1320.08 feet to a set iron pin for the SE corner of the NW 1/4 of the SW 1/4 of said Section 17, said iron pin lying in the roadway of Stoney Brook Road; thence along the roadway of Stoney Brook Road, North 87°49'08" West 1324.06 feet to a found iron pin in the intersection of Stoney Brook Road and South Rainbow Road; thence along the roadway of South Rainbow Road, North 02°19'00" East 1320.59 feet to the true point of beginning. Subject to the rights-of-way of Stoney Brook Road along the South side and South Rainbow Road along the West side thereof, a buried water line and telephone line along the West side and an overhead electric power line along that part of the North and East sides and to all other easements and rights-of-way by prescriptive actions of other parties.

Subject to easements, rights of way, restrictions, reservations and covenants of record, if any.

Rezoning Description

The S 1/2 of the SW 1/4 of the NW 1/4, and the NW ¼ of the SW 1/4, all in Section 17, Township 19 North, Range 30 West of the Fifth Principal Meridian, Benton County, Arkansas, as shown in Plat Record 2003 at page 150, and also being described as follows: Commencing at a found iron pin at the intersection of Elk Road and South Rainbow Road for the W 1/4 Corner of Section 17, Township 19 North, Range 30 West, said iron pin also being the true point of beginning; thence along the roadway of South Rainbow Road, North 02°19'00" East 664.13 feet to an iron pin set for the NW corner of the S 1/2 of the SW 1/4 of the NW 1/4; thence leaving the roadway of South Rainbow Road, South 87°46'39" East 915.16 feet to a point; thence South 14°25'06" West 272.72 feet to a point; thence South 11°55'07" 412.09 feet to a point; thence South 12°10'11" East 768.65 feet to a point; thence South 01°10'06" West 451.31 feet to a point; thence South 20°03'48" West 128.12 feet to a point on the South line of the NW 1/4 of the SW 1/4 of said Section 17; thence North 87°49'08" West 11.21.57 feet to a found iron pin in the intersection of Stoney Brook Road and South Rainbow Road; thence along the roadway of South Rainbow Road, North 02°19'00" East 1320.59 feet to the true point of beginning. Containing 2,096,246 Square Feet or 48.12 Acres, more or less. Subject to the rights-of-way of Stoney Brook Road along the South side and South Rainbow Road along the West side thereof, a buried water line and telephone line along the West side and an overhead electric power line along that part of the North and East sides and to all other easements and rights-of-way by prescriptive actions of other parties. Subject to easements, rights of way, restrictions, reservations and covenants of record, if any.

BEFORE THE PLANNING COMMISSION OF THE CITY OF ROGERS, ARKANSAS

NOTICE OF PUBLIC HEARING FOR A REZONE REQUEST

Notice is hereby given pursuant to Section 14-725-730 of the Rogers City Code that **Vajinder Singh** is applying to the Rogers Planning Commission to rezone certain real property at **2011 S Rainbow Rd. Rogers, AR**. The property is more particularly described as follows:

LEGAL DESCRIPTION:

The S 1/2 of the SW 1/4 of the NW 1/4, and the NW 1/4 of the SW 1/4, all in Section 17, Township 19 North, Range 30 West of the Fifth Principal Meridian, Benton County, Arkansas, as shown in Plat Record 2003 at page 150, and also being described as follows: Commencing at a found iron pin at the intersection of Elk Road and South Rainbow Road for the W 1/4 Corner of Section 17, Township 19 North, Range 30 West, said iron pin also being the true point of beginning; thence along the roadway of South Rainbow Road, North 02°19'00" East 664.13 feet to an iron pin set for the NW corner of the S 1/2 of the SW 1/4 of the NW 1/4; thence leaving the roadway of South Rainbow Road, South 87°46'39" East 915.16 feet to a point; thence South 14°25'06" West 272.72 feet to a point; thence South 11°55'07" 412.09 feet to a point; thence South 12°10'11" East 768.65 feet to a point; thence South 01°10'06" West 451.31 feet to a point; thence South 20°03'48" West 128.12 feet to a point on the South line of the NW 1/4 of the SW 1/4 of said Section 17; thence North 87°49'08" West 11.21.57 feet to a found iron pin in the intersection of Stoney Brook Road and South Rainbow Road; thence along the roadway of South Rainbow Road, North 02°19'00" East 1320.59 feet to the true point of beginning. Containing 2,096,246 Square Feet or 48.12 Acres, more or less. Subject to the rights-of-way of Stoney Brook Road along the South side and South Rainbow Road along the West side thereof, a buried water line and telephone line along the West side and an overhead electric power line along that part of the North and East sides and to all other easements and rights-of-way by prescriptive actions of other parties. Subject to easements, rights of way, restrictions, reservations and covenants of record, if any.

LAYMAN'S DESCRIPTION: 2011 S Rainbow Rd. Rogers, AR

PRESENT ZONING: RSF-5

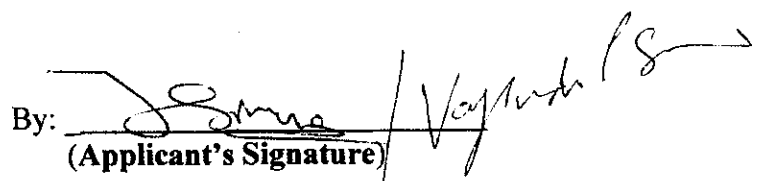
ZONING REQUEST: C-3

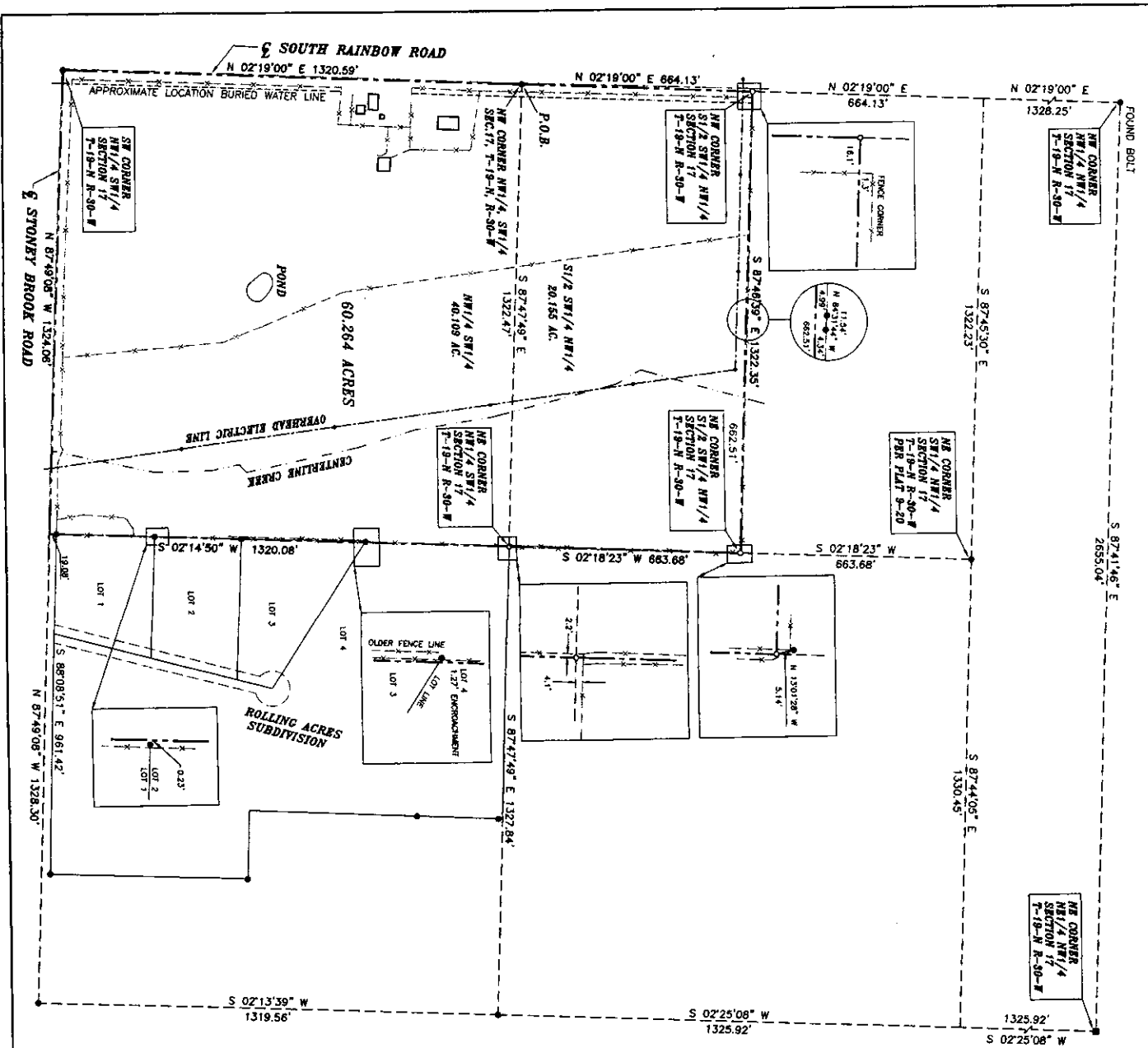
A public hearing by the Rogers Planning Commission will be held on Nov. 19, 2019 at 5:00 p.m. in the City Council Chambers of the City Hall Building located at 301 W. Chestnut Street, Rogers, Arkansas.

Respectfully Submitted,

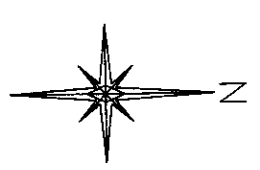
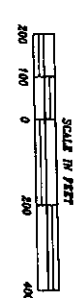
By:

(Applicant's Signature)

A handwritten signature in black ink, appearing to read 'Vajinder Singh', is written over a horizontal line. The signature is stylized and cursive.



- LEGEND**
- POUND IRON PIN
 - SET IRON PIN
 - ▲ POUND RAILROAD SPIKE
 - ▲ POUND IRON PIPE
 - POUND STONE



PROPERTY DESCRIPTION

The South One-Half (S1/2) of the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) and the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section 17, Township 19 North, Range 30 West, County of Benton, Arkansas, also being described as follows:

Commencing at a found iron pin in the intersection of Elk Road and South Rainbow Road for the West Quarter (W1/4) Corner of Section 17, T-19-N, R-30-W said iron pin also being the TRUE POINT OF BEGINNING; thence along the roadway of South Rainbow Road, North 02 degrees, 19 minutes, 00 seconds East 664.13 feet to an iron pin set for the NW Corner of the S1/2 of the SW1/4 of the NW1/4; thence leaving the roadway of South Rainbow Road, South 87 degrees, 46 minutes, 39 seconds West 1322.35 feet to an iron pin set for the NE Corner of the S1/2 of the SW1/4 of the NW1/4 of said Section 17; thence for the NE Corner of the NW1/4 of the SW1/4 of Section Boundary Line of Rolling Acres Subdivision, South 02 degrees, 19 minutes, 50 seconds West 1320.08 feet to a set iron pin lying in the roadway of Stony Brook Road; said Section 17, thence leaving the roadway of Stony Brook Road, North 02 degrees, 19 minutes, 00 seconds East 664.13 feet to a found iron pin in the intersection of South Rainbow Road, North 02 degrees, 19 minutes, 00 seconds East 1320.59 feet to the TRUE POINT OF BEGINNING, containing 60.264 acres and being 1320.59 feet to the roadway of Stony Brook Road along the South side telephone line along the West side, and a found iron pin lying along the that party of the roadway of Stony Brook Road, and to all other easements and rights-of-way that are shown on this map, the survey may reveal and to all easements and rights-of-way by prescriptive actions of other parties, if any.

BASIS OF BEARINGS: ARKANSAS STATE PLANT COORDINATES - NORTH ZONE - DERIVED FROM G.P.S. OBSERVATIONS TAKEN ON SITE.

| | |
|--|-------------------------------------|
| | |
| SURVEY FOR CHUCK HINSON PART OF THE W1/2 OF SECTION 17 TOWNSHIP 19 NORTH, RANGE 30 WEST | |
| DATE: 02/03/03 | DRAWN BY: D.P. |
| JOB NO. 2003 | PHILLIPS LAND SURVEYING, INC. |
| STATE RECORDING NO. 500-19N-20W-0-17- | P.O. Box 1026 Rogers, AR 72767-1026 |
| 504-64-0992 | 10636 West Hwy. 72, Bentonville, AR |
| | (479) 273-3399 (Fax) 273-3464 |



CEI Engineering Associates, Inc.

ENGINEERS ■ SURVEYORS ■ LANDSCAPE ARCHITECTS ■ PLANNERS

3108 SW Regency Parkway, Suite 2
Bentonville, AR 72712
(479) 273-9472 Fax (479) 273-0844
www.ceieng.com

October 31, 2019

Rogers Planning Commission
301 W Chestnut
Rogers, AR 72758

RE: Request to update the Comprehensive Growth Map

Dear Rogers Planning Commission:

Accompanying this letter is a request by Vajinder and Jasminder Singh, owners of real property in Rogers, Arkansas being Benton County parcel #02-01671-504, to rezone a portion of the 60-acre parcel of property at the northeast corner of Rainbow Road and Stoneybrook Road in Rogers commonly described as 2011 South Rainbow Road. The request includes rezoning from RSF-5 to C-3 for the Neighborhood Center at that intersection (NC-3). In conjunction with that request for rezoning, we request that the Comprehensive Growth Map be updated to show the additional area for NC-3 requested with that submittal.

This letter is being submitted for consideration since there is currently no formal application process for requesting amendment to the Comprehensive Growth Map. Thank you in advance for your consideration of this request.

Respectfully submitted,

CEI Engineering Associates, Inc.
Nate Bachelor, Project Manager

Solutions for Land and Life

CALIFORNIA ■ TEXAS ■ ARKANSAS ■ MINNESOTA ■ PENNSYLVANIA



CEI Engineering Associates, Inc.

ENGINEERS ■ SURVEYORS ■ LANDSCAPE ARCHITECTS ■ PLANNERS

3108 SW Regency Parkway, Suite 2
Bentonville, AR 72712
(479) 273-9472 Fax (479) 273-0844
www.ceieng.com

October 31, 2019

City of Rogers
Planning Department
301 W Chestnut
Rogers, AR 72758

RE: Stoneybrook and Rainbow Rd Development

Dear Planning Department,

I the undersigned, being an employee of CEI Engineering Associates, Inc, do hereby certify that I have made a due and diligent search of the Assessor's Records for Benton County, Arkansas, and find the list of adjacent owners within 300' of the project boundaries and addresses as attached hereon.

A handwritten signature in blue ink that reads "Dustin Riley".

Dustin Riley
AR PS# 1618

Providing Consolidated Land Development Services

CALIFORNIA ■ TEXAS ■ ARKANSAS ■ MINNESOTA ■ PENNSYLVANIA

CERTIFICATION

I hereby state that to the best of my knowledge all property owners within 300 feet of my property have been notified by Certified mail at least 15 days prior to the upcoming public hearing for my rezone request.

Dated this the 31st day of October, 20 19.

Nathaniel Bachelor

Signed

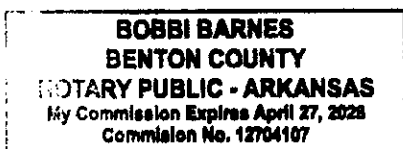
Nathaniel Bachelor

Name Printed

STATE OF ARKANSAS

COUNTY OF Benton

Subscribed and sworn before me this the 31st day of October, 20 19.



Bobbi Barnes

Notary Signature

Bobbi Barnes

Notary Name Printed

April 27, 2028

Commission Expires